

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire PF030174	POUR SUITE À DONNER Voir le point 4 ci-dessous	
Demande internationale no. PCT/FR2004/003038	Date du dépôt international (<i>jour/mois/année</i>) 26 November 2004 (26.11.2004)	Date de priorité (<i>jour/mois/année</i>) 28 November 2003 (28.11.2003)
Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant THOMSON LICENSING		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 6 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- | | |
|---|---|
| <input checked="" type="checkbox"/> Cadre n° I | Base de l'opinion |
| <input checked="" type="checkbox"/> Cadre n° II | Priorité |
| <input type="checkbox"/> Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/> Cadre n° VI | Certains documents cités |
| <input type="checkbox"/> Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input type="checkbox"/> Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Date d'établissement du présent rapport 18 October 2006 (18.10.2006)	
Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Fonctionnaire autorisé Beate Giffo-Schmitt e-mail: pt03@wipo.int

Formulaire PCT/IB/373 (janvier 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

PF030174

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2004/003038

International filing date (day/month/year)

26.11.2004

Priority date (day/month/year)

28.11.2003

International Patent Classification (IPC) or both national classification and IPC

H04L12/64, H04L12/28

Applicant

THOMSON LICENSING

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/003038

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:
- ☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 - ☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).
- Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

WRITTEN OPINION OF THE
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International application No.
PCT/FR2004/003038

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-12</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-12</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-12</u>	YES
	Claims _____	NO

2. Citations and explanations:

1. Reference is made to the following documents:

D1: US-B1-6 430 629 (SMYERS SCOTT DAVID) 6 August
2002 (2002-08-06);

D2: EP-A-1 185 034 (SONY CORP) 6 March 2002
(2002-03-06).

2. Document D1, which is considered to be the prior art closest to the subject matter of **claim 1**, describes a 1394 network and the possibility of monitoring household appliances by means of modules communicating via said network. The invention relates more specifically to monitoring the state of an appliance in a network. A screen indicates the state of appliances such as a VCR or an STB, and the temperature of the location.

2.1 D1 differs from the subject matter of claim 1 in that, in claim 1, a first appliance representing the monitored object wishes to be monitored.

2.2 This feature enables selective monitoring. The problem that the present invention is intended to

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

solve can therefore be considered to be that of minimising the effort required for monitoring a number of appliances in a network.

2.3 Document D2 does not mention the specific monitoring of an appliance that wishes to be monitored.

2.4 None of the cited documents, considered alone or in combination, discloses the specific monitoring of an appliance that wishes to be monitored. It follows that **claim 1** fulfils the requirements of novelty and inventive step under the terms of PCT Article 33(1) to (4).

2.5 **Claims 2-6** are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.

3. The same argument applies to claim 7, which consists of the same combination of features as claim 1 but is worded as a device claim. As a result, the subject matter of **claim 7** and also of **dependent claims 8-12** fulfils the requirements of novelty and inventive step under the terms of PCT Article 33(1) to (4).